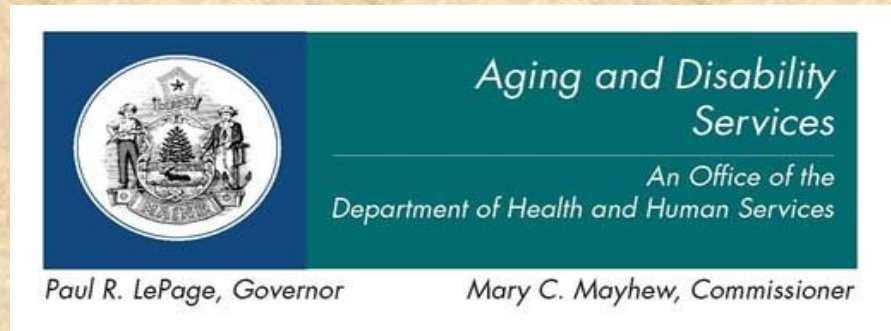


# **REPORTABLE EVENTS:**

## ***How and What to Report***

### Developmental Services



# **Introduction**

***The purpose of this training is to:***

- Review the reporting process
- Review adult protection rules and process
- Review rights violation rules and process
- Provide information on changes in reporting format

# **Topics of Discussion**

- Guidelines for Reporting
- How to report
- When to report
- What to report
- What not to report
- Investigation Process
- Reportable Events Form
- Adult Protective investigations
- Reporting format

# **DEFINITION OF REPORTABLE EVENTS:**

“Reportable Events” are events that have, or may have, an adverse impact upon the safety, welfare, rights or dignity of adults with intellectual disabilities or autism.

# **The Reportable Events System**

- The Reportable Events system monitors and supports the health and welfare of the person with disabilities.
- It does not replace other communications that need to occur among members of the person's team.
- DO NOT use the reportable events format for matters that do not meet the criteria of a reportable event!!!!



# **Guidelines for Reporting**

All events reportable under this policy must be reported to the District Office in the geographical region where the event occurred.

Reporting can occur to the District Office during normal business hours or, in the event of an “immediate” report during non-business hours, through the Developmental Services Crisis Team using the statewide access number.

**1-888-568-1112**

# **How to Report**

- Use the Reportable Events form, either the electronic or the paper version, to report. This form can be obtained from the DHHS Office of Aging and Disability Services website:  
<http://www.maine.gov/dhhs/oads/disability/ds/aps/procedures.htm>
- An agency may have an internal procedure for filing reports electronically.

# **How to Report**

- If immediate action is needed, call the District Office and ask for the caseworker, office coverage, or Supervisor. Do not rely on the report form to communicate to the case manager.
- In some cases, the district crisis team may handle any immediate action that is required.
- Contacting crisis services or case management does not relieve the agency of the responsibility of filing the Reportable Event form.



# When to Report

The following health and safety events must be reported **immediately** (same day):

- Allegations of abuse, neglect, exploitation in which there is *immediate danger* or *substantial risk due to*:
- Death
- Serious Injury
- Lost or Missing Person
- Assaults that require medical attention
- Suicide attempt or serious threats
- Dangerous situations that pose an imminent risk of harm
- Physical Plant Disasters

# **When to Report**

The following must be reported **within one business day**

- Assaults which do not require medical attention
- Medication errors/refusals
- Rights violations
- Failure to obtain consent to changes or new medical orders for persons under public guardianship when no emergency exists
- Non-emergency dangerous situations
- Restraints that are not part of an approved plan
- Mechanical devices and supports used without a doctor's order or without supervision of a qualified professional
- Self-injurious behavior not addressed and tracked in the person's plan



# Abuse

**“Abuse”** includes the infliction of injury, unreasonable confinement, intimidation or cruel punishment that causes or is likely to cause physical harm or pain or mental anguish; sexual abuse or exploitation; or depriving an adult with an intellectual disability or autism of essential needs and doing so intentionally, knowingly or recklessly.

Injuries need not be intentionally inflicted to be reportable, and need not leave visible marks or bruises.



# Assault

Any hitting, slapping, kicking, biting or other unprivileged contact against an adult with an intellectual disability or autism characterized by the recipient as unwanted or, in the case of a person deemed incapacitated by the Probate Court, all unprivileged contact described in the foregoing is considered an assault.

Any assault by a staff person of a provider agency upon a person with an intellectual disability or autism is defined as abuse.

If an incident involves a person with an intellectual disability or autism assaulting another person with an intellectual disability or autism, **then two separate reportable incidents have occurred and separate reports must be filed for each person.**



# Sexual Abuse or Exploitation

Means contact or interaction of a sexual nature involving an incapacitated or dependent adult without the adult's informed consent. Sexual exploitation may include exposing an incapacitated or dependent adult with an intellectual disability or autism to pornographic materials, if the person does not have the capacity to consent, or, if capable of consent, did not consent.

Sexual activity between a dependent person and a paid provider of service, **whether consensual or not**, constitutes sexual abuse or exploitation.

# **Verbal Abuse**

Means any verbalization that inflicts or may cause emotional harm, invokes fear and/or humiliates, intimidates, degrades or demeans an adult with an intellectual disability or autism, or otherwise coerces an adult with an intellectual disability or autism to do something through the threat of force.

# **Mistreatment**

is any action adversely impacting an adult with an intellectual disability or autism that is not in keeping with established norms or standards of care.

These norms include licensing, statutory or regulatory standards, and also include reasonable professional standards for the delivery of care and support. For example, treatment that is not part of an approved treatment plan may constitute mistreatment.

# **Exploitation**

Means the illegal or improper use of an adult with an intellectual disability or autism, or the adult's resources, for another's profit or advantage. It includes taking advantage of or using an individual's limitations to illegally, improperly, or unfairly deprive him/her of money, property, or reimbursement, wages, or compensation due.



# **Neglect**

means a threat to the health or welfare of an adult with an intellectual disability or autism by physical or mental injury or impairment, deprivation of essential needs or lack of protection from these. Neglect includes failure to provide:

- adequate shelter, clothes, food and water
- emotional support when needed
- personal care
- medical attention or necessary medication
- glasses, dentures, hearing aids, walkers, etc.

## **Neglect (continued)**

Neglect also includes failure to address dangerous situations that could hurt an adult with an intellectual disability or autism.

# **Dangerous Situations**

Any act or situation that endangers an adult with an intellectual disability or autism.

# **Death**

Every death of an adult with an intellectual disability or autism must be immediately reported, regardless of cause.



# **Emergency Services**

Any use of law enforcement, fire, emergency medical personnel, or crisis service (other than Developmental Services Crisis Team) impacting an adult with an intellectual disability or autism must be reported.



# **Serious or Significant Illness or Injury**

Serious or significant injuries or illnesses of an adult with an intellectual disability or autism must be reported. These include any change in medical conditions caused by accident or illness that requires hospitalization, including initial emergency room visits, non-routine treatment not identified in the person's plan; significant adverse reactions to medication; sexually transmitted diseases; etc.

## Lost or Missing Person

An adult with an intellectual disability or autism is lost or missing **when s/he cannot be located after a reasonable time and after reasonable inquiry and no information exists as to the individual's whereabouts.** When a person is determined to be lost or missing, the Developmental Services Crisis Program must be notified immediately, along with local law enforcement.

# **Medication Error or Refusal**

- “Medication error” includes wrong person, wrong dose, wrong medication, wrong time (over one hour variance from the prescribed times)), wrong route, wrong method of administration or omission.
- “Medication refusal” is any circumstance in which staff has knowledge of a client (including a self-medicating client) who does not take the medications as prescribed.



# **Medication Missing**

Missing medications of an adult with an intellectual disability or autism that suggest the possibility of theft must be reported. This includes a pattern of missing medications, or a significant amount of missing medications, especially Schedule II drugs. Theft of meds is a crime.

# Medical Orders Involving Persons Under Guardianship

Maine law provides that a guardian must be notified ***and*** approve of new, changed, or additional medical orders including changes in medications and DNR orders. Implementation of new orders may not occur until approved by a representative of the guardian. Failure to obtain consent to a change in a medical order for a person under guardianship must be reported.

# Physical Plant Disasters

Include any unplanned situation that adversely impacts an adult with an intellectual disability or autism and forces the closure of a home or program site for one or more days. This includes any fire, or other situation that requires the active involvement of fire personnel or personnel such as HAZMAT Team, Code Enforcement, or other health or safety officials.

This category does not apply to individuals who reside in the home of a family member.

# Restraint

Personal, physical, chemical or other restraints used on an adult with an intellectual disability or autism **that are not part of an approved plan.**

- Restraints are defined as any intervention that deprives an adult with an intellectual disability or autism of the use of all or any part of the individual's body, except for safety positioning.
- Improper or unauthorized use of restraint on an adult with an intellectual disability or autism is considered abuse and is to be reported as such.



# **Mechanical Devices**

Mechanical devices and supports are devices that:

- (1) restrict a person's movement or contact with their own body, to promote safety or to achieve proper body position and balance, and
- (2) if not medically ordered, would be defined as a restraint.
- Examples of such devices include mitts, Posey belts and bedrails. Seat belts, when riding in a motor vehicle, are not considered restraints since they are required by state law for everyone riding or driving in a motor vehicle.

## **Mechanical Devices (continued)**

All mechanical devices and supports used on an adult with an intellectual disability or autism must be applied under the supervision of a qualified professional and be an approved part of a treatment plan.

Any use of a mechanical device or support that is not an approved part of a treatment plan or applied under the supervision of a qualified professional must be reported. For example, a tray table attached to a chair or wheelchair is a restraint if imposed for the purpose of limiting the free movement of an adult with an intellectual disability or autism.

# **Suicide Attempts / Threats / Self-Injurious Behavior**

- Suicide attempts and threats by an adult with an intellectual disability or autism must be reported and **self-injurious behaviors that are not addressed and tracked as part of a formal plan must be reported.** Self-injurious behaviors need not result in obvious injuries or marks.
- Report pica (ingestion of anything inedible) as self-injurious activity.



## Rights Violations

Adults with intellectual disabilities and/or autism have rights that are set forth at 34-B M.R.S.A. 5605. Any violations of these rights **must** be reported as set forth herein.



# **Rights Violations in these areas**

- Improper or unauthorized Behavior Modifications
- Communications
- Discipline
- Humane treatment
- Medical Care
- Nutrition
- Personal property
- Physical Exercise
- Religious Practice
- Confidentiality
- Social Activity
- Sterilization
- Voting
- Work

# What not to Report

- Minor injuries- report only “serious or significant injury.”
- Seizures that do not require outside medical attention.
- Assault to staff unless it results in the consumer having a reportable event. ( i.e. restraint).
- Inappropriate language from the consumer.
- Aggression towards staff (report to agency and to case manager).
- Restraints or other events that are part of an approved behavior plan that is being monitored by the three person committee.
- Guiding a person who is cooperative.

The End